

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

| | | |
|-----------------------------|---|------------|
| MARSHALL RAY MILLER, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | CV 108-086 |
| |) | |
| UNITED STATES ATTORNEY |) | |
| GENERAL, BUREAU OF PRISONS, |) | |
| and MCKITHER BODISON, |) | |
| |) | |
| Respondents. |) | |

ORDER

Petitioner, an inmate currently incarcerated at Lieber Correctional Institution, in Ridgeville, South Carolina, filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.¹ Petitioner has not submitted a filing fee.

A § 2241 petition may be brought only in the district court for the district in which the inmate is incarcerated. Fernandez v. United States, 941 F.2d 1488, 1495 (11th Cir. 1991) (citing Hajduk v. United States, 764 F.2d 795, 796 (11th Cir. 1985)). Petitioner states in his petition that he pled guilty to federal charges in the Southern District of Georgia. He is currently housed in the Charleston division of the District of South Carolina. Because

¹The Court is aware that the docket indicates that Petitioner filed his petition pursuant to 28 U.S.C. § 2255, however, the petition specifically indicated that it was filed pursuant to 28 U.S.C. § 2241. (Doc. no. 1, p. 9). Additionally, a review of the petition reveals that Petitioner is challenging the execution of his sentence (see generally doc. no. 1), and in fact, Petitioner concedes as much (doc. no. 4, p.1).

petitioner is not being housed in the Southern District of Georgia, this Court lacks jurisdiction to consider his petition. The Clerk is **DIRECTED** to forward Petitioner's file to the Charleston Division of the District of South Carolina for further consideration.

SO ORDERED this 8th day of August, 2008, in Augusta, Georgia



J. RANDAL HALL
UNITED STATES DISTRICT COURT